IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WA.No. 177 of 2007

AGAINST THE JUDGEMENT IN OP.7512/2003 Dated 18/10/2006
.....

APPELLANT:

T.K. DAVID, SECRETARY (UNDER DISMISSAL)
KURUPPUMPADY SERVICE CO-OPERATIVE BANK LTD.,
NO.E.257, THOTTIPARAMBIL HOUSE,
MEPRATHUPADY, VENGOLA P.O., PIN-683 554,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.P.JACOB
SRI.B.MANIMOHAN

RESPONDENTS:
----

1. THE BOARD OF DIRECTORS,
REP. BY PRESIDENT, KURUPPUMPADY SERVICE
CO-OPERATIVE BANK LTD.NO.E.257,
KURUPPUMPADY P.O.

2. KURUPPUMPADY SERVICE CO-OPERATIVE
BANK LTD.NO.E.257, KURUPPUMPADY P.O.,
REP. BY ITS SECRETARY IN CHARGE.

3. STATE OF KERALA, REP. BY SECRETARY TO
GOVERNMENT, CO-OPERATIVE DEPARTMENT,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

4. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G), ERNAKULAM, KOCHI-16.

BY ADV. SRI.P.V.BABY
BY GOVERNMENT PLEADERMR. BENNY GERVAC IS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A.ABDUL GAFOOR &

K.R. UDAYABHANU, JJ.

==========

W.A.NO.177 OF 2007

==========

DATED THIS THE 2ND DAY OF FEBRUARY 2007

JUDGMENT

Abdul Gafoor,J.

By Ext.P8 the period of suspension of the appellant was refused to be extended by the Joint Registrar. This was challenged by the Co-Operative Bank which placed him under suspension without impleading him on party array though he was the real person who was likely to be affected by the order to be granted in the writ petition. That order was set aside by the learned single Judge. The appellant is, therefore, perfectly justified in contending that the judgment is not sustainable. Now he has faced dismissal and the entire matter is pending consideration, according to him, before the Arbitration Court constituted in terms of Section 70A of the Co-Operative Societies Act,1969. It is submitted by the appellant that he had already raised several contentions including against his suspension before

the Arbitrator. The Arbitrator shall consider the entire contentions raised before him and dispose of the Arbitration Case as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment. The writ appeal is disposed of accordingly.

Sd/-

K.A.ABDUL GAFOOR
JUDGE

Sd/-
K.R.UDAYABHANU,
JUDGE

ks. **TRUE COPY**

P.S.TO JUDGE